

Translation

PATENT COOPERATION TREATY

PCT/DE2003/003679



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PI/Br 00673-3-PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/DE2003/003679	International filing date (day/month/year) 06 November 2003 (06.11.2003)	Priority date (day/month/year) 14 November 2002 (14.11.2002)
International Patent Classification (IPC) or national classification and IPC B60J 7/20		
Applicant WILHELM KARMANN GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of 3 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 13 July 2004 (13.07.2004)	Date of completion of this report 27 September 2004 (27.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:

pages _____ 1-7 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:

pages _____, as originally filed/furnished
 pages* _____, as amended (together with any statement) under Article 19
 pages* 1-11 _____ received by this Authority on 13 July 2004 (13.07.2004)
 pages* _____ received by this Authority on _____

the drawings:

pages 1/5-5/5 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following document:

D1: DE 196 35 869 C1 (DAIMLER BENZ AG) 22 January 1998 (1998-01-22)

2. D1 is regarded as the prior art closest to the subject matter of claim 1. D1 discloses (the reference in parentheses are to D1):

a folding top for a vehicle, said top having a folding top compartment lid with a retaining element that cooperates with the folding top when the folding top is lowered and the lid is closed.

Thus the subject matter of claim 1 differs from the known retaining element in that the retaining element has a counter member that is supported on the folding top compartment lid in such a way that it can swivel.

2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2.2 The problem to be solved by the present invention can therefore be regarded as that of making the retaining element adaptable to a swivel and lift movement of

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the folding top compartment lid.

- 2.3 The solution to this problem as proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)):
a retaining element with a counter member that is supported on the folding top compartment lid in such a way that it can swivel is neither known nor obvious from the available prior art.
3. Claims 2 to 11 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.
4. The subject matter of the claims relates to rattle-free securing of a folding top and is industrially applicable, for example, in convertible vehicles.